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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/679,214	10/03/2003	Robert R. Bushey	130332.00043	5961
82744 7590 05/14/2009 AT&T Legal Department - JW Attn: Patent Docketing Room 2A-207 One AT&T Way Bedminster, NJ 07921				
EXAMINER				
HONG, HARRY S				
ART UNIT		PAPER NUMBER		
2614				
MAIL DATE		DELIVERY MODE		
05/14/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/679,214

Applicant(s)

BUSHEY ET AL.

Examiner

Harry S. Hong

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2009.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-14, 16-24 and 26-28 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 12-14 and 16-28 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 03 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB08)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

1. The finality of the last Office action is withdrawn in view of newly discovered reference to Partovi et al. (US 6,807,574 B1).

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 12-14, 16-21, 23, 24, and 26-28 are rejected under 35 U.S.C. 103(a) as being obvious over Hunt et al. (Hunt; 6,094,476; applied for the third time in view of

Bohacek et al. (Bohacek; US 6,411,687 B1; applied for the second time) and further in view of Partovi et al. (Partovi; US 6,807,574 B1; cited by the examiner and applied for the first time).

Hunt plainly teaches the claimed invention. The claimed initial user interface reads on the speech UI of Hunt. Hunt teaches that upon monitoring the user response to prompts/responsiveness parameter that a next U/I is selected where the claimed next U/I reads on either the ambiguity resolution UI or the DTMF UI. Hunt is silent with respect to monitoring the inflection or the speed of the user's voice utterance. However, Bohacek plainly teaches such (see column 2, lines 47 – 53). Therefore, it would have been obvious even to one of ordinary skill in the art at the time of the invention to incorporate the mood detecting feature of Bohacek into the system and method of Hunt in order to select an even more appropriate next user interface.

Further, Hunt in view of Bohacek is silent with respect to the newly cited features of the genders and rates of speech and features recited in claims 26-28. However, column 7, lines 62 – 67 of Partovi plainly teaches such features by name. Therefore, it would have been obvious even to one of ordinary skill in the art at the time of the invention to incorporate those features of Partovi into the system and method of Hunt in view of Bohacek since Partovi plainly teaches the advantages voice characterizations in the same telephone network environment.

6. Claims 12-14, 16-24, and 26-28 are rejected under 35 U.S.C. 103(a) as being obvious over Bennett (US 7,047,197 B1; applied for the third time in view of Bohacek et

al. (Bohacek; US 6,411,687 B1; applied for the second time) and further in view of Partovi et al. (Partovi; US 6,807,574 B1).

Bennett also plainly teaches the claimed invention. The claimed initial user interface reads on the voice user interface of Bennett. Bennett teaches that upon monitoring the user response to prompts/responsiveness parameter that a next U/I is selected where the claimed next U/I reads on the dynamic changes of the operational characteristics of the voice user interface. Refer to the Abstract and to column 6, line 28 – column 9, line 40. The dynamic changes of the operational characteristics of the voice user interface are read as repeating the steps (see specifically column 7, line 65 – column 9, line 28). Bennett is silent with respect to monitoring the inflection or the speed of the user's voice utterance. However, Bohacek plainly teaches such (see column 2, lines 47 – 53). Therefore, it would have been obvious even to one of ordinary skill in the art at the time of the invention to incorporate the mood detecting feature of Bohacek into the system and method of Bennett in order to select an even more appropriate next user interface.

Further, Hunt in view of Bennett is silent with respect to the newly cited features of the genders and rates of speech and features recited in claims 26-28. However, column 7, lines 62 - 67 of Partovi plainly teaches such features by name. Therefore, it would have been obvious even to one of ordinary skill in the art at the time of the invention to incorporate those features of Partovi into the system and method of Hunt in view of Bennett since Partovi plainly teaches the advantages of voice characterizations in same telephone network environment.

Response to Arguments

7. Applicant's arguments with respect to the rejection(s) of claims 12-14, 16-24, and 26-28 have been fully considered and are persuasive. Therefore, the rejection(s) have been withdrawn. However, upon further consideration, a new ground(s) of rejection is made as stated above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harry S. Hong whose telephone number is (571) 272-7485. The examiner is normally off on Wednesdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F. Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

May 12, 2009

/Harry S. Hong/
Primary Examiner, Art Unit 2614

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